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# **European Union democracy promotion in Sub-Saharan Africa**

## **Abstract**

Democracy support became a foreign policy objective since a large part of the world has adopted democracy. This trend began in the 1970's in Spain, Portugal and Greece. Simultaneously, the notion of democracy has been the object of a range of studies to highlight the variety of its models. Given the democracy support backlash since the beginning of the 21<sup>st</sup> century, this paper seeks to assess the legitimacy of the European Union (EU) to promote democracy in Sub-Saharan Africa by presenting legitimacy as a triple notion encompassing legality, morality and performance. The Sub-Saharan African region is a vast and diverse region although it shares common historical, social, economic and political characteristics. This paper focuses particularly on three countries of this region from the French decolonisation: Senegal, Mali and Guinea. Considering the different political path followed by these three countries - Senegal is considered a flawed democracy, Mali a hybrid regime and Guinea an authoritarian regime - it seeks to evaluate lastly the adaptability of the political approaches of the EU.

Demokratieförderung wird zum Ziel der Außenpolitik, seitdem ein breiter Teil der Welt Demokratie eingesetzt hat. Diese Tendenz hat in Spanien, Portugal und Griechenland in den 1970er Jahren begonnen. Gleichzeitig war der Begriff Demokratie der Gegenstand von Studien, die die Vielfalt seiner Modelle hervorhob. Angesichts des Demokratierückschlages seit dem Anfang des 21. Jahrhunderts versucht diese Arbeit, die Legitimität der Europäischen Union (EU) als Demokratieförderer in subsaharischem Afrika zu beurteilen. Legitimität wird als ein Dreibegriff betrachtet, der Legalität, Moralität und Leistungsfähigkeit umfasst. Subsaharisches Afrika ist ausgedehnt und vielfältig, obwohl es gemeinsames historisches, soziales, ökonomisches und politisches Kennzeichnen teilt. Diese Arbeit fokussiert besonders auf drei Länder dieser Region, die von der französischen Dekolonisierung stammen: Senegal, Mali und Guinea. In Anbetracht der verschiedenen politischen Wege, durch die diese drei Länder gegangen sind—Senegal ist als eine fehlerhafte Demokratie betrachtet, Mali als ein hybrides Regime und Guinea als ein autoritäres Regime- versucht sie, die Anpassungsfähigkeit der politischen Einstellung der EU.

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## INTRODUCTION

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The different practices of democracy worldwide have given rise to a very large amount of studies which try somehow to describe and assess the level of democracy of these regimes. Up to 550 varieties of democracies have been inventoried in 1997 (Quantin, 2009, p. 65) and indeed, all members of the United Nations Organisation (UNO) claim to be democratic except Saudi Arabia (Büchele, 2011, p. 222). Democracy is a vague notion but is usually used to describe a vast popular participation in decision-making although democracy nowadays goes hand in hand with representation, a notion absent in the antique conception of democracy (Pierré-Caps, 2015, p. 7). However, a well-functioning democracy can be evaluated with a detached definition or with a dependent definition. The detached definition assesses the compliance of internal characteristics and qualities with democratic principles whereas the dependent definition assesses the results and outputs of the regimes which respect the democratic principles (Dufek & Holzer, 2013, p. 123). The assessment has developed from a binary point a view (democratic or non-democratic) to a scale which renders the level of democracy of the regime and gives also a hierarchy between the different types of democracies (Quantin, 2009, p. 13). An electoral or procedural democracy is the most basic level of democracy. It implies the presence of pluralism and free and fair elections. Liberal democracy guarantees in addition liberties such as the freedom of speech, the freedom of association and the protection of fundamental rights. At an upper level, social democracy rests on social justice, equality and social solidarity (Hobson & Kurki, 2012, p. 88).

Democracy promotion encompasses all the processes by which an external actor intervenes to install democratic institutions or to assist the establishment of democratic institutions in a target state (Hobson & Kurki, 2012, p. 3). The external actor studied here is the European Union (EU) which uses interchangeably the expressions “democracy promotion”, “democracy building” and “democracy support” to refer to the means it uses to help a third country achieve democracy (Orbie & Wetzel, 2012). Although democracy support is provided in neighbourhood countries like Caucasus and Maghreb as well as in countries situated far away from Europe like in South America, Sub-Saharan Africa will be studied because it represents an interesting region. Indeed, the greatest amount of decisions under the Common Foreign and Security Policy (CFSP) between 2007 and 2010 concerns this region, which suggests a great interest from the EU (Smith, 2014, p. 54). But at the same time, the EU seeks to disengage from previous African ties through multilateralization and globalisation by involving other actors like the G8 or the G20 in its African policies (Adebajo & Whiteman, 2012, p. 218 & 234). Nonetheless, the EU remains Africa’s first foreign investor, an important commercial partner, and is seen as a necessary guardian of peace (Pongo, 2017, p. 19). Regarding this ambiguous relationship between the two regions, it seems interesting to determine whether the democracy support is consistent and performant or not.

This paper investigates specifically the legitimacy of democracy support of the EU in Sub-Saharan Africa with focus on three Western African states: Guinea, Mali and Senegal.

The notion of legitimacy will be the governing principle of this paper. The legitimacy of a political regime can be assessed with three sub-notions, legality, intrinsic legitimacy and performance.

Legitimacy is first and foremost the compliance with the law, but a political organisation is also perceived as legitimate by the people if it follows a set of values and moral principles (morality or intrinsic legitimacy) or if it functions effectively by providing for instance protection to the citizens (performance) (Burnell & Calvert, 1999, p. 15). Therefore, this paper will first focus on the international legal framework the EU based its democracy support on. Then, it will present the intrinsic legitimacy of the EU to promote democracy in Sub-Saharan Africa by examining the strength of the EU democratic model and the history of the EU in Africa. Finally, it will assess the performance of the democracy support of the EU by presenting the results of its foreign policy in implementing electoral democracy, democratic culture and favourable conditions for democracy.

The three chosen countries meet a certain number of similarities. They do not share the same history before the colonisation by France but from the end of the nineteenth century until their independence in 1958 (Guinea) and 1960 (Mali and Senegal), they inherited from the same colonial rules and administration as they were all part of the AOF ("Afrique Orientale Française", French Western Africa). Today, they belong to the same regional economic organisation (the ECOWAS, Economic Community of Western African States) and have the same currency (Franc CFA). Despite these economic and historic likenesses, they follow a different political path according to the Economist Intelligence Unit (EIU). The Democracy Index invented by the EIU is based on five categories: electoral process and pluralism, civil liberties, the functioning of government, political participation, and political culture, giving an overall score out of 10. Authoritarian regimes have an average score below 4, hybrid regimes are situated between 4 and 6 whereas flawed democracies score between 6 and 8. Guinea is classified as an authoritarian regime (average score of 3.14 in 2017), Mali as a hybrid regime (5.64) and Senegal as a flawed democracy (6.15).

# 1 LEGALITY OF THE SUPPORT TO DEMOCRACY BY THE EU IN SUB-SAHARAN AFRICA

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The legality of a foreign action in a target state is evaluated through its compliance with the international law. There is a certain consensus on an international level on the necessity to promote democracy and on how democracy support should be implemented but it seems difficult to find a common definition of democracy. Moreover, in Sub-Saharan Africa, the conditions of democracy, a functioning state and an effective constitutionality, are not necessarily well assured.

## 1.1 LEGAL FRAMEWORK FOR DEMOCRACY SUPPORT

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The EU intervention in Sub-Saharan Africa is ensured by a legal framework defining the legality of democracy support although the definition of democracy in international treaties remains blurry. First, the principles of democracy support by Europe in third countries will be presented, then the practice with the Cotonou Agreement and finally the coordination with other international actors will be examined.

### 1.1.1 EU INTERVENTION PRINCIPLES

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The Maastricht Treaty defined five objectives of the EU foreign policy including “to develop and consolidate democracy and the rule of law, and respect for human rights and fundamental freedoms” (article J.1). In the Lisbon Treaty, more specifically in the article 21 (2), the common policies and actions of the foreign policies are framed by eight principles. One is directly connected to democratisation considering that this principle is to “consolidate and support democracy, the rule of law, human rights and the principles of international law”. (Smith, 2014, p. 4). The EU does not only pursue foreign policy goals to extend its power but also because other parts of the world ask the EU to use its political influence (for instance, Palestine in the Middle East) or its economic influence (through demands for enlargement or free-trade agreements) (Smith, 2014, p. 15). It always decides to intervene as a response to a demand of a third country. For instance, the EUCAP mission in Mali was installed in 2015 after the demand of the Malian government.

### 1.1.2 COTONOU AGREEMENT

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The Cotonou Agreement signed in 2000 frames the specific relations between the EU and Africa in a broad agreement that encompasses the twenty-eight EU Member States and seventy-nine ACP countries (African, Caribbean and Pacific countries). It has been signed for a period of twenty years and it is revised every five years. The preamble of the agreement recalls the juridical framework. This agreement refers to a large amount of legal texts of international or national law which mention democracy or characteristics of democratic regimes, like the Charter of the United Nations, the Universal Declaration of Human Rights, the Declaration of the Rights of Man and of the Citizen, the Convention for the Protection of Human Rights and Fundamental Freedoms of the Council of Europe, the African Charter on Human and Peoples’ Rights and the American Convention on Human Rights.



Therefore, the intervention can be considered legal because it is framed by the Cotonou Agreement. The parties, the EU and the ACP countries, agreed on a conditionality clause. The article 96 of the Cotonou Agreement states that human rights, democratic principles and the rule of law, which are defined as fundamental and essential elements of the EU-ACP partnership, are considered as conditions for the well-functioning of the partnership. Conditionality means that aid or other benefits will be provided if certain economic and/or political conditions are met. As a result, aid will be cut off if these conditions are violated (Smith, European Union foreign policy in a changing world, 2014, pp. 17-18). The conditionality consists in an elaborate procedure: first, consultations and a political dialogue between the EU and an ACP country are initiated to search for solutions. Then, the EU can sanction the third country, which is a decision often made in coordination with the United Nations (Sciama, 2012). As a last resort, the agreement foresees an eviction of the country from the agreement. In practice, the procedure is activated in case of coups d'état and flawed elections and to a lesser extent in case of violation of human rights and of the rule of law. If these two last reasons are invoked to begin consultations, it is always in association with the first two grounds (Zamfir, 2017, p. 6).

"Allocative conditionality" also exists as a counterbalance to negative conditionality. It is supposed to increase the effectiveness of aid by concentrating assistance in countries that demonstrate a genuine commitment to the improvement of an environment in which good governance, security and development can prosper. But in practice, a better policy and an improved performance often leads to less aid. Ghana for instance receives less aid than Tanzania which registers less progress. (Adebajo & Whiteman, 2012, p. 265). Since the report of the World Bank of 1998 calls for the "ownership in aid" which supposes a strong domestic support for reforms, donors are expected to give development assistance in "credible reformers". And indeed, the article 2 of the Cotonou Agreement states that "for the purposes of implementing the objectives of the partnership, the ACP states shall determine the development strategies for their economies and societies in all sovereignty and with due regard for the essential elements described in Article 9; the partnership shall encourage ownership of the development strategies by the countries and populations concerned".

The substance of the Cotonou Agreement shows a commendable ambition. Indeed, the partnership is based on the following fundamental principles (article 2): the equality between partners, the participation of all actors (state, parliament and local authorities), the fulfilment of mutual obligations and regionalisation. But the results are nevertheless not convincing considering that the two parties are reluctant to extend the agreement in its current form, which expires in 2020 (Voituriez, Vaillé, Vanvolsem, & Bossuyt, 2018). In the current negotiations, the parties even question the relevance of the ACP grouping since other actors like the least developed countries were considered more active. The ACP countries have acknowledged that, they are not an efficient actor on the international scene, with their current structure and functioning (Voituriez, Vaillé, Vanvolsem, & Bossuyt, 2018). Therefore, the Commission of foreign affairs proposes to differentiate the A, C and P countries and thus the future of ACP relations with the EU will have a common base but each region will have specific objectives (Pongo, 2017, p. 41).

### **1.1.3 OTHER ACTORS**

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Other actors are also considered as important in democracy support of Sub-Saharan African countries, such as the United Nation Organisation (UNO), regional or continental organisations in Africa like the African Union (UA) and African economic communities like the ECOWAS.

#### 1.1.3.1 THE UNO

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Although no consensus over democracy existed during the Cold War, democracy gained ground worldwide during the end of the period (1970's in Southern Europe, 1980's in South America, end of the 1980's in Eastern Europe and the Philippines, early 1990's in a part of Africa) so the common belief was that achieving democracy is a universal desire and not a Western phenomenon (Smith, 2014, p. 126).

The 1993 Vienna Declaration of Human Rights suggested that democracy should be linked to self-determination because it was acknowledged that a people has the right to participate in every aspect of its life including economy, politics, society and culture (Hobson & Kurki, 2012, p. 192).

Although the United Nations recognises the sovereignty of the state, this almost sacralised right is in decline since the 1990's because of the development of low-intensity conflicts (conflicts within a state). Therefore, the UNO used the competence to protect persons for "humanitarian reasons" and the right to intervene in domestic affairs of a state has become legal. Reasons to intervene became even broader, encompassing not only the protection of the populations during wars but also the protection of victims of political violence and repression in countries during an important crisis. Security is not the monopoly of the state anymore (Gazibo & Moumouni, 2017, p. 88). Michael Reisman even inversed the argument of right of the state to sovereignty by proposing that sovereignty should belong to the people of the state and not to the rulers. (Hobson & Kurki, 2012, p. 193). This shift in the conception of right to intervention enabled the UNO to send forces for example in the Central African Republic (MINUSCA) or in Rwanda (MINUAR) after low-intensity conflicts. These two missions aim specifically at protecting civilians. The mission in the Central African Republic is primarily concerned by the protection of human rights (UNO, 2018).

#### 1.1.3.2 AFRICA

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In May 1963, thirty African states signed the Charter of the Organisation of African Unity (OAU) where seven principles including sovereign rights, non-alignment and support for Africa's emancipation were written down. But the OAU was greatly ineffective due to two institutional flaws. First, the powers of the executive and the administrative branches were limited because the resolutions of the Assembly were not binding. Second, the Commission of Mediation, Conciliation and Arbitration had no power of sanction. In addition, the OUA lacked consistency: it legitimised Cuba's intervention in Angola in 1975, the Francophone states sanctioned the French intervention in Zaïre, and it had no reaction to Tanzania invading Uganda in 1979 to destitute Idi Amin Dada who was yet elected chairman of OUA for the years 1975-1976 (Adebajo & Whiteman, 2012, pp. 50-51). The African Union (AU) succeeded to the OAU in 2000 to correct these flaws.

The AU is a regional organisation that regroups the whole continent (fifty-four countries subdivided in six regions: West, North, Eastern, Central, Southern Africa and the diaspora). The African Union

Constitutive Act signed in 2000 allows the interference in the internal affairs of its members in case of an unconstitutional change of government, genocide, outrageous human rights abuses and conflicts that threaten the regional stability (Adebajo & Whiteman, 2012, p. 53). For instance, the AU has intervened in Darfur in cooperation with the UN, or in Mali (AFISMA) after the coup d'état in 2012 in cooperation again with the UN (who took over) and the EU with the EUTM. The Member States of the AU also signed in 2007 the African Charter for democracy, elections and good governance which is the legal basis of the AU to intervene in the electoral process of a Member State (Gazibo & Moumouni, 2017, p. 93).

The political dialogue to address issues of human rights and democracy is not only addressed to the AU or to each concerned country but also to regional economic communities like the Economic Community of West African States (ECOWAS) in April 2017 (Zamfir, 2017, p. 7). In a declaration of political principles in 1991, the Member States of the ECOWAS claim their will to combine their efforts to promote democracy and the respect of human rights. (Boniface, 2006, p. 149). The ECOWAS threatened to intervene after the elections in the Gambia when the former President Yahya Jammeh tried to stay in power after having lost to prolong its twenty-two years in office. This intervention succeeded in terminating the crisis. So, unlike the precedent cases (in Côte d'Ivoire in 2011 for instance), the crisis has not begun to cause an open conflict which could perturb the region (The Economist Intelligence Unit, 2017).

So, as seen, the modalities of action for the support to democracy are relatively close. Each international organisation (the AU, the EU, the UNO or the ECOWAS) has in mind peace and state building, the organisation of free and fair elections and the respect of human rights. However, the notion of democracy remains vague.

## **1.2 LEGAL FRAMEWORK FOR DEFINING DEMOCRACY**

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Although the intervention for supporting democracy is legally framed by the international and regional organisations, the definition of democracy by these same organisations remains vague because of a lack of consensus between the Member States.

### **1.2.1 DEFINITION BY THE UNO**

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The definition of democracy does not appear in the Charter of the United Nations of 1945. Yet, in the years 1947 and 1948, the Universal Declaration of Human Rights declared in its article 21 that all citizens have the right to the "participation in government". The form of government is however not specified. Nonetheless, the article 29 does mention the "general welfare in a democratic society" as a possible limitation on the exercise of individual rights. The concept of democracy was indeed limited at the beginning of the existence of the UNO because imposing a form of regime was seen as an illegitimate interference in domestic affairs. Democracy was perceived as a Trojan horse of Western values in countries that had just freed themselves from the Western yoke in the 1960's (Hobson & Kurki, 2012, p. 192).

The elaboration of the notion of democracy primarily occurred only with the Commission on Human Rights in 1997. Because of a North-South divergence, it resulted in two resolutions on democracy, one the representatives of North agreed with, and one they voted against. On the one hand, the countries of the North wanted to put the emphasis on free and fair elections and refused to accentuate the necessity of a democratic and equitable international order and to stress the social and economic dimensions of democracy. On the other hand, the South emphasized self-determination, solidarity, permanent sovereignty over national wealth and resources and the right to development and to a healthy environment. The Commission on Human Rights, which became the Human Rights Council in 2006, continues to edict twin resolutions on democracy (Hobson & Kurki, 2012, p. 195).

### 1.2.2 DEFINITION BY THE EU

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Under the Common Foreign and Security Policy (CFSP), the EU adopted a Common Position in 1998 about democratic principles which were defined as the right to choose and change leaders in free and fair elections, the separation of legislative, executive and judicial powers and the guarantees of freedoms of expression, information, association and freedom to form political organisations. In 2009 the Council emitted new conclusions on democracy support which therefore strengthen and precise the characteristics of democracy as the respect of human rights (especially non-discrimination and rights of minorities), the participation of men and women in politics, the election of representatives who have an oversight role and finally the accountability of leaders and public officials to citizens (vertical accountability) (Smith, 2014, p. 132). Papers released by the EU which mention democracy reveal a set of common characteristics: formal characteristics are the presence of several political parties and the respect of freedom of religion; and substantial characteristics are the possibility of private investment and sometimes the mention of civil society. This definition of democracy by the EU can be interpreted both as an advantage and a hindrance since it allows for a flexible interpretation of democracy support but also harms the international image and credibility of the EU because the recipient states are rendered suspicious towards the true commitment and consistency of the EU to democracy support (Orbie & Wetzel, 2012). As an example, the Cotonou Agreement gives no definition of democracy although it refers several times to democracy and democratic principles.

Moreover, the divergent voices heard at the top of the hierarchy by the heads of states weaken the position of the EU as a norm-setter on democracy. For instance, the attempt to hold an EU-Africa summit in 2003 in Lisbon failed because the British, amongst others, refused to negotiate the presence of Zimbabwe's President, Robert Mugabe (Adebajo & Whiteman, 2012, p. 38).

Finally, the negative conditionality (i.e. the application of sanctions) is not always rigorously applied because the suspension of well spent money in case the country does not comply with democratic principles may be humanly difficult. In addition, if donors have invested, they cannot suspend aid as invested money will be lost (Del Biondo, 2012, p. 121). Guinea has for instance experienced the suspension of the cooperation with the EU in December 2008 following a coup. However, the EU continued to finance humanitarian projects in Guinea between 2009 and 2013. The running of pacific

legislative elections in September 2013 permits the Council to resume fully the normal relations with Guinea and to unblock the remaining funds for the period 2008-2013 which will be extended (European Commission, 2018).

### **1.2.3 DEFINITION BY THE AFRICAN UNION**

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The AU has signed the African Charter on Human and People's Rights in Banjul in 1981. The Charter protects notably the political rights of the African citizens by guaranteeing the equality of all citizens, the protection from arbitrary arrests, the freedom of association and the freedom of expression.

Although rights and freedoms are guaranteed by the law, in practice, the national political institutions are generally too weak and unstable in Sub-Saharan Africa to be able to ensure the protection of these rights.

## **1.3 DIFFICULTIES TO IMPLANT DEMOCRACY IN SUB-SAHARAN AFRICA**

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The state is controverted all around the world but especially in Sub-Saharan Africa because of its difficulty to comply with the law (Fioramonti, 2009, p. 8). The two identified flaws which render difficult the compliance with the law are first, the presence of a weak state and second, a state not ready to apply democratic principles.

### **1.3.1 THE WEAK STATE IN SUB-SAHARAN AFRICA**

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According to Max Weber, a state is a modern political organisation that has the monopoly of the legitimate power. For some scholars, it also should be able to redistribute the resources (Büchele, 2011, p. 226) ; for others, its mission is to construct a nation, to create goods and provide services (Ouédraogo, 2014, p. 49). A state which is not capable of fulfilling its mission is a failed state. (Ouédraogo, 2014, p. 53). Therefore, some indexes calculate the "stateness" of a state, understood as a functioning bureaucracy, good governance and the effective state monopoly of violence. (Orbie & Wetzels, 2012). For instance, the Fragile State Index of 2018 created by the Fund For Peace indicates that all the Sub-Saharan African countries suffer from a warning to an alerting level of fragility.

#### **1.3.1.1 THE ETHNIC GROUP**

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It could be tempting to explain the presence of failed states in Sub-Saharan Africa because the state is a fabrication from the colonisation. The state is indeed a construction from North-West Europe to counter the struggle for the monopoly of the territory. The condition for the construction of a state like the density of the population, the possibility of increasing capital and military forces and the presence of natural borders were absent in Africa (Gazibo & Moumouni, 2017, p. 3). Thus, the state would have difficulties to unite the country and would be beset by the omnipresence of conflicts between different populations. The presence of many different ethnic groups in one country is nonetheless not necessarily a synonym of conflicts within the state. An ethnic group is a grouping determined by its language, its territorial origin, its own cultural characteristics (housing, political

structures, historical consciousness) and its beliefs (religious representations, moral values. There are around two thousands different ethnic groups in Africa, and for instance 350 official ethnic groups in the Democratic Republic of Congo, 200 in Cameroun. This shows a certain heterogeneity in the populations of Sub-Saharan countries, with some exceptions: for instance three quarter of the population of Botswana belongs to the Tswana ethnic group. During the colonisation, it was a habit of the coloniser to declare that each conflict came from ethnic rivalries. So, after the independence, the necessity was to build the nation because it did not exist beforehand. The fathers of independence like Senghor, Nkrumah or Mandela believed that it was necessary to counter ethnic belonging (Jacquemot, 2016, pp. 65-67).

Nowadays, the ethnic group is considered in the modernist political speech as a hindrance to development which supposed unity in the common task. Two trends appear: in economic crisis, when the access to resources becomes problematic, either the reference to ethnic group is made to denounce the monopoly of one resource is the hand of a specific culture, or it is believed that education and urban mingling has brought a progressive disappearance of ethnic identities (Jacquemot, 2016, pp. 65-67). Anthropology studies revealed that the concept of “ethnic group” is in flow and is no essence (Ouédraogo, 2014, p. 59). In addition, the ethnic belonging does not necessarily conditioned the way a person votes. Other aspects come into account like socio-economic disparities, which the politicians of the independence forgot (D'Almeida-Topor, 2013, p. 242). Today, however, the national belonging seems to exist and therefore it is not true that a failed state comes from the lack of sense of belonging from the base but, on the contrary, scholars seem to attribute the presence of the failed state to the elites which refuse to render power (Ouédraogo, 2014). The ethnic group is therefore not necessarily perceived as a cause of the weak state.

### **1.3.1.2 ORGANISED CRIME**

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Weak states tend to be places where organised crime prospers although a weak state could be perceived both as a consequence and a cause of the expansion of organised crime. Organised crime in Sub-Saharan Africa is endemic because it is associated with resilience. Indeed, illegal trade is perceived as a way for citizens to thrive despite economic slump. Following the economic and environmental crisis of the 1970's and 1980's, informal trade and trafficking is deeply rooted in the African economy. For instance Western Africa is a hub for cocaine which originates from South America and is sold in Europe. In Mali more specifically, terrorist groups and the Malian army struggle over the control of trafficking routes which resulted in several armed clashes (Raineri & Galletti, 2016).

Therefore, the EU works with Sub-Saharan countries to increase their capacity in the fight against organised crime. It was the case in the Sahel countries with the Pan-Sahel Initiative (PSI) which focused also on enhancing border control in order to prevent drug trafficking (Del Biondo, 2012, pp. 210-211). The weak state causes or helps organised crime development. In one way or the other, democratic rules are not respected despite the appearances and the claim of following democratic principles.

### 1.3.2 VIOLATION OF DEMOCRATIC RULES

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The rule of law is a juridical system in which the public authorities are submitted to the law both by principle and by the existence of a jurisdictional control (Toulemonde, 2018, p. 33). The rule of law is considered a necessity for a democracy because democracy is a political system which guarantees civil liberties and political rights as well as checks and balances. Without the compliance to the law, a fortiori a fundamental law, such liberties and rights cannot be guaranteed (Grimm & Leininger, 2012, p. 396). But in Sub-Saharan Africa, if democratic principles are there, either they are not applied or they are perverted by rulers.

#### 1.3.2.1 ILL-IMPLANTED CONSTITUTIONS

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A constitution, at its origins, was a juridical instrument to limit the political power and protect individuals against power. In a more modern way, a constitution is a set of juridical rules which organise society and its political power. It has the vocation to stability and permanence (Pierré-Caps, 2015, p. 7), otherwise the people cannot trust the guarantees it is supposed to provide.

The constitutions of former colonies are generally based on the constitutions of the former homeland because the African jurists who drafted the African constitutions were formed in Europe and they benefited from the help of European counsellors during the era of independence (D'Almeida-Topor, 2013, p. 240). The texts are however specific to the African political conditions: because of the lack of national unity, the constitutions of African states after independence tried to realise it through the definition of national symbols, language and religion, but also through the restriction of liberties capable of jeopardising the national unity. For instance, the article 42 of the Algerian constitution of 1966 had forbidden the right to create a party (Pierré-Caps, 2015, p. 164). However, the situation has evolved: nowadays pluralism is accepted in all the Sub-Saharan states with the exception of Eritrea and Swaziland (Gazibo & Moumouni, 2017, p. 4). The political opposition is formally recognised in several states like in the article 58 of the constitution of Senegal. It also has a specific status in Mali, Burkina Faso, Niger and Congo.

There is also no effective separation of power. The presidential system puts all the powers in the hand of the President, who is often the head of state and the head of the majority party. This is for instance framed by the Senegalese Constitution of 2001. The President concentrates the executive and legislative powers as head of the majority coalition of the Parliament (Guèye, 2009, pp. 10-16) and often uses the elections as a mean to manipulate the process in his favour (Gazibo & Moumouni, 2017, p. 85). In Senegal for instance, the Election Observation Mission of 2012 reported that, although the legal framework conforms to the international obligations in the field of democratic elections, the Constitution of 2001 and its revisions have installed a disproportionate presidential system. The President has discretion in the matter of dissolution of the National Assembly, nomination of high magistrates, members of the Electoral Commission and the majority of senators. In addition, the freedom of expression is submitted to discretionary and even arbitrary restrictions by the administrative authorities.



However, Sub-Saharan Africa is not a uniform region despite the appearances: the democracy is quite effective in Ghana and in Senegal since the introduction of pluralism in 1974 and despite its flaws, but there are also authoritarian regimes like Congo, Guinea and Cameroun (Pierré-Caps, 2015, p. 198).

In addition, the constitution is not sacralised as an unchangeable fundamental law because of frequent revisions. Senegal has for example experienced easy and repeated revisions (once every six months on average between 2001 and 2008) (Guèye, 2009, p. 17).

Despite the decision made in Abuja in 1999 on the illegality of coups d'état, coups still persists although they are less frequent (in Mauritania, Guinea, Madagascar and Côte d'Ivoire) (Pierré-Caps, 2015, p. 198). The problem is that, in the absence of transparency during the vote, the only solution that remains for the opposition is to take arms to raise its voice, which leads to political instability, human rights violation and exodus of populations to flee the violence (Boniface, 2006, p. 43).

Impunity suggests a lack of trust in the government and flouts the rights of the victims. For instance in Mali, the efforts made to tackle impunity faltered because it has not been implemented at the end of 2017 despite the 2015 peace agreement which recommended to establish an international commission of inquiry to crimes under international law including war crimes, crimes against humanity and human rights violations (Amnesty International, 2014).

### 1.3.2.2 INFORMAL PRACTICES

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The lack of rule of law is expressed through the formal compliance with democratic principles but the following of informal rules in practice like cronyism, the despise of anonymous users of public services, the lack of team spirit in different public services, the impunity in professional milieu, systematic corruption (Ouédraogo, 2014, p. 56).

The index of corruption provided by Transparency International suggests a high level of corruption in Mali (score 31/100, ranking 122 out of 180) and Guinea (score 27/100, ranking 148) whereas Senegal is rather well placed (score 45/100, ranking 66). But Jacquemot suggests studying corruption without an ethical connotation. He thinks that the endemic need for money blurs the line between what is admissible and condemnable in the eyes of the law. In a context of tremendous scarcity of resources and dysfunction of the state, maintaining a network of social relations is more important than morals (Jacquemot, 2016, pp. 69-71).

Cronyism is defined as the nomination, affectation and promotion of administrators of the state not on the criterion of competence but on solidarity between factions (Ouédraogo, 2014, p. 56). The abandon of cronyism in Sub-Saharan Africa supposes first a mutation of the economy from an economy which relies on personal relations to a formal economy based on contracts and possible sanctions by specialised institutions. But in the context of a neo-patrimonial state, reforms to install good governance do not suit the interests of the elites who perceived them as a threat to their power (Jacquemot, 2016, p. 76). Neopatrimonialism is a concept inspired by Max Weber and forged



by Jean-François Médard to describe the confusion in African states between the private field and the public field. It does not mean that there is an absence of legal norms and a rule of tradition but rather that there is a conflict between two sets of norms in a hybrid state. Therefore a private mode to manage official offices becomes noticeable as well as the capture of public resources for private ends to serve its clientele (cronyism). In short, in Sub-Saharan Africa, personal loyalties have primality over institutions to the point that the position of traditional chief is desired, notably by young educated and in possession of diplomas because the social position provided within the chieftdom is more stable and better paid than the position in an administration or in politics. The coalition in power is thus not accountable of its actions before the people but before its clientele (Jacquemot, 2016, pp. 61-62).

To improve democracy and strengthen the state, good governance is considered a necessity. Governance is the way the political game is played at an institutional level whereas the government is the result of the political game. The promotion of good governance is driven by the belief that political processes can be influenced at an institutional level. It is a top-down approach but the bottom-up approach could also be effective, i.e. the political processes are influenced by social pressures and demands (Chandler, 2006, p. 478). Good governance is often linked to democracy although there is no clear definition by the EU. That is, by the way, the reason why, in the Cotonou Agreement, the notion of good governance was separated from the notions of democracy, rule of law and respect for human rights. Good governance is a “fundamental element” of the partnership on the contrary to democratic principles, the rule of law and the respect for human rights which are “essential elements”. This differentiation was necessary for the ACP countries who feared that the conditionality clause would be activated in case of bad governance in an arbitrarily way and with inconsistency because of the vagueness of the notion (Smith, 2014, p.129). The World Bank has however defined good governance as encompassing three aspects, namely the form of the government, the management by the authorities of the country’s economic and social resources and the ability of the authorities to design, formulate and implement policy (Smith, 2014, p. 132). The good governance can be overlapping with democracy or narrowed down to the two last aspects. In practice, good governance implies a will to depersonalise social relations and to abandon cronyism (Jacquemot, 2016, p. 76).

In conclusion, the state in Sub-Saharan Africa has developed its own system and model. This questions the ability of the EU to export a model of democracy which can be irrelevant to the African states. Likewise, the concept of rule of law which is considered necessary to the functioning of a democracy is not practised or understood in the same way as in the EU. This calls for an evolution in the relationship between rulers and citizens in Sub-Saharan Africa which the EU could help promote.

## **2 INTRINSIC LEGITIMACY OF THE SUPPORT TO DEMOCRACY BY THE EU IN SUB-SAHARAN AFRICA**

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A political organisation is perceived as intrinsically legitimate if it is perceived by the people as following widely shared moral principles and values. The legitimacy of Europe to intervene in the domestic affairs of the Sub-Saharan countries is nowadays controverted not only for political reasons but also for historical ones.

Therefore, this part will analyse if the EU is a credible democratic model today. With this aim in mind, it will then go through the past relationship between the EU and Sub-Saharan African countries in order to assess the form of democracy support the EU has provided until today. Finally it will conclude on the ability of the EU to remain a norm-setter in the field of democracy.

### **2.1 THE MODEL OF DEMOCRACY PROPOSED BY THE EU**

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A model is a reference that gives an objective to reach. The question remains to know if the EU can indeed represent an objective for other countries considering that the EU is nowadays criticised for its democratic deficit. This part will focus first on the state of EU democracies, then on the democratic deficit at the EU level and finally on the multiple crises that may weaken the democracy.

#### **2.1.1 DEMOCRATIC EUROPEAN COUNTRIES**

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The EU Member States may be considered models of democracy according to a wide range of indexes that calculate the level of democracy. According to the Freedom House index, ones of the few to meet all the seven criteria in 2008 were Western European countries. The seven criteria are divided in two sets of questions. The first set concerns political rights (electoral process, political pluralism and participation, functioning of government) whereas the second set concerns civil liberties (freedom of expression and belief, associational and organisation rights, rule of law, personal autonomy and human rights). The EU proposes nonetheless different models of regimes that are all considered as democratic. For example, the United Kingdom is a monarchy as Denmark whereas France, Austria or Germany are Republics. However, some democracies in Europe are unstable or endangered like Hungary or Poland where the separation of powers is contested due to reforms of the juridical system. Hungary claims today to be an illiberal democracy which surely harms the image of the EU as a democracy promoter. Moreover, some critics argue that the structure of the EU itself is not democratic.

#### **2.1.2 APPEARANCE OF DEMOCRATIC DEFICIT IN THE EU**

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The assessment of the respect of democratic principles by the EU remains complex. The European population however lacks trust in the EU institutions and do not participate in the European elections according to the Eurobarometer. This fact is worsened by the multiple crises the EU faces since 2008.

Concerning representation, the European Parliament is the only institution of the EU to be elected through universal suffrage. It has a significant legal power since it has the competence to legislate, to decide on the EU budget and to control the Commission. But it cannot initiate legislation or adopt

proposals on its own because it needs a consensus with the Council. On a more practical level, the European Parliament's elections are considered a second-order national elections considering the low and declining participation of the citizens.

Concerning the pluralism, despite the political parties being more transnational, the party groups of the European Parliament remain largely unknown to the general public and national party groups still dominate the nomination of future Members of the European Parliament.

Concerning the separation of power, if the Members of the Commission are strictly forbidden to be simultaneously Members of the European Parliament, the Council may influence the Parliament and the Commission. However, the Members of the Council are the heads of state and government who are democratically elected.

In addition, concerning the executive accountability, the European Parliament has the right to approve or dismiss the entire Commission and the nomination of the Commission's President is increasingly linked to the European elections. The Commission must justify its actions before the Parliament and answer questions. However, the Parliament cannot dismiss individual Commissioners.

Concerning fundamental rights, the EU has signed a Charter of fundamental right attached to the Treaty of Lisbon and the number of cases treated by the Court of Justice of the EU related to human rights has increased since the 1960's (Corbett, 2012).

In conclusion, the EU democratic deficit describes the belief that the institutions of the EU do not follow the democratic principles well enough. But it may be more a feeling of the population than the reality because of the complexity of the functioning of the EU institutions and the lack of knowledge about this same functioning (Moravcsik, 2003). Moreover, the functioning of the EU is debatable and debated because of the crises it has suffered from.

### **2.1.3 MULTIPLE CRISES STILL TO OVERCOME**

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At the beginning of the 21st century, experts were optimistic about the normative power of the EU. The invasion of Iraq by the United States in 2003 and their failure to install democracy and stabilise the region permit the EU to appear as a new world power. This optimism of the experts is not shared anymore because of the multiplication of crises since then (the Eurozone crisis in 2008, the migrant crisis in 2015, the Brexit in 2016, the rise of nationalism to the point where some European governments claim to be "illiberal democracies") (Harris, 2017, pp. 21-22).

The Eurozone crisis had a bad impact on the EU's external image as a normative power capable of exporting democracy because according to the Member States, the crisis has not been democratically managed (Youngs & Pishchikova, 2013, pp. 6-7). Indeed, the Eurozone has been saved by decisions made by the Council in contradiction with the Treaties of the EU (Börzel & Risse, 2018, p. 88). During the Eurozone crisis, the fact that the leaders of the EU have tried to depoliticise the debate around European economic politics has backfired during the migrant crisis (Börzel & Risse, 2018).

In addition, the European identity was questioned both times although in a different manner. First, the question was on solidarity within Europe and then the politicians from populist parties have argued on the unnecessary of solidarity with others outside the 'fortress Europe'. During the Eurozone crisis, the Council declared a state of emergency that permits to take action in the field of economic politics rapidly but without democratic consent. It declared that the economic problems were not a political but a regulatory problem. With the migrant crisis, politicians attempt to do the same by delegating powers to the EU. But they did not take into account the increasing politicisation of EU affairs since the 1990's. The migrant crisis has divided Europe and led to a rise of populism that had already begun earlier with the democratic backsliding in Hungary, Italy and Bulgaria (Youngs & Pishchikova, 2013, p. 7). The migrant crisis has a direct effect on the decline of the good perception of the EU abroad. First, it is seen to act against its own standard and norms (Barcevicius, et al., 2015, p. 33), and second, the disaffection within Europe towards the European project, expressed by divergence in the concept of democracy for instance, is perceived as a disinterest for its own values (Barcevicius, et al., 2015, p. 175).

But these setbacks can be seen as an occasion to build a democracy agenda that encompasses both the EU and the world. Democracy support within and outside Europe has always been separate but reuniting the two objectives could legitimise the EU's action (Youngs & Pishchikova, 2013, p. 7)

## **2.2 DEBATABLE ACTIONS THROUGHOUT HISTORY**

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This part will tackle the political relationship that unites Africa and Europe in the 20<sup>th</sup> and 21<sup>st</sup> century regarding democracy analysing the three steps, the colonisation era, the independence and the renewed partnership.

### **2.2.1 ABSENCE OF DEMOCRACY DURING THE COLONISATION ERA**

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The colonisation of Africa by the Old Continent has ended with the Berlin Conference of 1885 which divided Africa into regions for colonisers to occupy. Double-standard were generally applied concerning the equality of the citizens. Equality was indeed the ideal which dominated the French colonial system. That found its expression through "assimilation politics" that was in fact a subjection. The French nationality (for both African and homeland people) and French citizenship which allowed people to vote (just for homeland people and an indigenous statute for African people) were dissociated. In addition, two types of justice were carried out, one for the Europeans and one for the Africans. For the Europeans, the law of the homeland applied whereas for African people, specific rules which followed customs approximatively were applied. The associations were however allowed although they did not demand directly political rights. It has yet permitted the diffusion of democratic principles outside the political sphere through elections of presidents, the organisation of general assembly, and the fact that they represented a place for debate (D'Almeida-Topor, 2013, pp. 197-200). In conclusion, the basis of democracy was absent in colonies during the colonisation era, although the coloniser applied democratic rules at home.

This system fell apart because of the Second World War. Colonies participated in the fight for liberty and hoped to beneficiate from this liberty too, and the main winners of the war, the USSR and the

United States were against colonisation. The Atlantic Charter of the United Nations proclaimed a right to self-determination although it has been proven that Churchill was not specifically considering colonies. The Charter of the United Nations added however a declaration about non-self-governing territories (chapter XI) aiming specifically to frame the rights of the colonies (D'Almeida-Topor, L'Afrique du XXème siècle à nos jours, 2013, pp. 155-156).

## 2.2.2 AN UNFAIR RELATIONSHIP AFTER INDEPENDENCE

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Democratisation in Africa happened from the outside, i.e. from the EU and other international organisations, but also from the inside, i.e. from popular demands.

The independences of the Sub-Saharan states began in 1958 for the AOF (Afrique Orientale Française) which was abolished by France. France granted independence to all the states and not to the AOF region as a whole. The eight newly independent states, Côte d'Ivoire, Dahomey (future Benin), Guinea, Mauritania, Niger, Senegal, Soudan (future Mali) and Upper Volta, belonged however to the West African Customs Unions created by France. The political goal of France was to perpetuate close relations with these minuscule states through their dependency (Adebajo & Whiteman, 2012, p. 319).

After the era of independence, the one party rule dominated even in countries where pluralism was written down in the fundamental law like in Côte d'Ivoire and in Cameroun. Only four countries have allowed pluralism before 1990: Botswana, Senegal, Mauritius, and the Gambia. The constitutions were a mean to justify the authoritarian regime (Keutcha Tchapgna, 2005, p. 453). With the fall of the USSR and the abandonment of Marxism in states like Mozambique, Angola, Benin and Congo, pluralism was introduced. Democratisation happened from the inside after manifestations on the 4<sup>th</sup> October 1988 in Algeria and after pacific contestations and demand for democracy in the end of 1989 in Sub-Saharan Africa (in Zimbabwe in October, then in Benin and in Gabon). National conferences, *de facto* constituent assemblies, were organised first in Benin, then in other Sub-Saharan countries. They were composed of political party leaders and members of the civil society (like members of trade unions, members of religious associations and sometimes traditional chiefs). However, these national conferences had a limited impact on the long-run except in Benin. (Pierré-Caps, 2015, p. 194).

The democratisation came also from the outside because at the end of the 1980's, democratisation was perceived as the solution to the economic crisis according to the World Bank and Western countries (Gazibo & Moumouni, 2017, p. 4). The pressure of international investors to ensure the safety of investments obliged the sub-Saharan countries to democratise (Keutcha Tchapgna, 2005, p. 453).

The EU began however to foster economic independence from former colonising powers as a mean to reach democracy long before. The EU has always legally framed its relationship with the African continent since its beginning with the Treaty of Rome in 1957. The articles 131 to 136 of the Treaty of Rome describe the relations between the two continents as an association. This concerned twenty-two African colonies and territories of France, Belgium and Italy even before the independence. The

relationship was based on the French relations with its colonies: the Treaty foresaw free trade agreements with the regions, the right for citizens and firms to establish in these territories and the creation of the European Development Fund (EDF) to support overseas countries and territories. The relation called “association” endured even after the independence with the Yaoundé convention of 1962.

In 1970 however, the Lomé Convention broke with colonial history and proposed a relationship based on partnership and equality (Del Biondo, 2012, p. 170). Because of the oil crisis of 1973 which considerably weakened the African economy, the Third World countries demand a New International Economic Order which found its expression in the partnership between the ACP countries and the EEC (Adebajo & Whiteman, 2012, p. 87): the Lomé Convention of 1975. It regroups forty-six countries and widens its prerogatives by creating a permanent structure (general secretariat). The exportations from ACP countries to the EEC should benefit from non-reciprocal commercial preferences and from the creation of a compensatory finance scheme to stabilise export earnings of the ACP countries for agricultural products (Stabex, *Système de Stabilisation des Recettes d'Exportation*) to prevent the deficit in revenues of the exportation of ACP countries because of the fluctuation of worldwide prices and exchange rates. The Lomé IV Convention signed in 1989 introduced a political dimension in addition to the economic dimension. The parties should respect human rights. The Cotonou Agreement of 2000, a new partnership designed to render the EU-African relations more effective and centred on politics as well as on economy, recognises the link between the economic development and the respect of democratic principles in its preamble.

### **2.2.3 TOWARD A GENUINE PARTNERSHIP BETWEEN THE EU AND SUB-SAHARAN AFRICA**

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There is a real demand for democracy by the people in Sub-Saharan Africa but the Cotonou Agreement is not necessarily the right answer to this demand.

The Cotonou Agreement indeed foresees the respect of democratic principles but some scholars argue that in the name of human security the EU granted itself the right to unilateral intervention, even to the point of re-establishing a certain form of dominion according to Chandler (Chandler, 2006, p. 481). The goal of democracy promotion is certainly to ensure at the end the effective equality between states, which is formally already achieved through international conventions and institutions like the UNO, but is not established in practice. The Western states acquired much greater sovereign power to intervene in the domestic affairs of others, “[risking] institutionalising new hierarchies of power” (Chandler, 2006, p. 489).

The instauration of Economic Partnership Agreements (EPAs) in Sub-Saharan Africa and the constant ignoring of African politics in order to unite under one organisation is an example of the lack of listening of the EU. In a report for the European Parliament, it has been said that “regional integration is the motor of economic development and a necessity in a globalised world”, which encourages the European Parliament to agree with the creation of a continental free trade area in Africa (Pongo, 2017, p. 9). Although the argument seems valid, it is based on European history and not on Africa’s. The EU attaches a great importance to regional groupings to the point where the

Cotonou Agreement was conditioned to the fact that the ACP countries had to form EPAs out of the constituted customs areas within three years. But the regional groupings have been decided by the EU who ignored other already existing and money consuming bilateral and regional organisations like the ECOWAS, the SADC (Southern African Development Community), the IGAD (Intergovernmental Authority on Development) or the ECCAS (Economic Community of Central African States). This belongs to a series of lack of attention or ignoring by the EU on the subject of regional groupings. Several other African political reforms were indeed bypassed by the EU. It is the case for instance with the Abuja Treaty on the establishment of an African Economic Community by 2028 in 1991 (Adebajo & Whiteman, 2012, pp. 91-93). Brussel have also imposed its views on EPAs by forcing Tanzania to conclude a partnership with the EACU although it wanted to conclude an agreement with SADC. Same goes with Kenya who wanted to conclude an agreement with the ESA (COMESA) but was also invited to conclude a partnership with the EACU (Adebajo & Whiteman, 2012, pp. 220-227).

But maybe the EU has awoken from this endless dialogue of the deaf. Indeed, in the revision of the Cotonou Agreement of 2010, the EU has recognised in its article 37A that an excessive liberalisation in Sub-Saharan Africa could harm its economy and seems to have acknowledged the lack of will of the Sub-Saharan countries to form inadequate EPAs.

## 2.3 THE EU CAN STAY A MODEL

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The democratic principles provided by the EU are rather widely accepted in Sub-Saharan Africa. However, the implementation of democracy may be contested.

Sub-Saharan African populations demand democracy. According to the Afrobarometer survey of 2016, the democratic regime is the preferred regime in Sub-Saharan Africa for 67% of the population. At a national level, popular support for democracy is more present in the oldest functioning democracies of the continent like Senegal, Mauritius and Botswana (8 out of 10 persons are in favour of democracy) but it is also the case for countries where a democratic practice is trying to be implemented like in Burkina Faso, Guinea and Côte d'Ivoire. For our specific cases, the Senegalese people's support to democracy is the second ranked with 85%, Guinea is the fourth with 82% and Mali is seventh with 75%.

However, supporting democracy does not mean rejecting other forms of less democratic regimes. The rejection of presidential dictatorship is very strong in Sub-Saharan Africa in general. Nonetheless, Senegal, Mali and Guinea reject strongly presidential dictatorship, the one party system and a military regime (although it is far less the case in Mali).

But the demand for democracy which means preferring democracy over other regimes, rejecting presidential dictatorship, rejecting one party system and rejecting military regime is relatively low in Sub-Saharan Africa. The demand for democracy only reaches 43% of the population. In Senegal, it reaches 66% (23 more points than in 2002/2003) but only a bit more of 40% in Guinea and Mali. But on the long run, the demand and the offer of democracy tend to increase (Mattes & Bratton, 2016).

The perception of the EU as norm setter and model has experienced some steps back. Despite the Commission claiming that “the European Union, as a global actor and the world's biggest donor, is founded on the principles of liberty, democracy, respect for human rights, fundamental freedoms and the rule of law”, and therefore, that “the Treaty on European Union commits the EU to act on the global scene 'guided by the principles which have inspired its own creation.'” (European Commission, 2018), the targeted states do not see the EU predominantly as a norm setter, or only in some areas like energy technologies or gay rights (Barcevicius, et al., 2015, p. 30). However, media and the general public evaluate EU's normative identity as highly positive in the areas of good governance, protection of human rights but also democracy (Barcevicius, et al., 2015, p. 44). In Sub-Saharan Africa specifically, the AU officials considers that the EU is a model in achieving peace through integration and draw from the European history the hope that the European project could also be transplanted in Africa.

But the EU goals for democracy building in Sub-Saharan Africa may be questioned. The EU may pursue democratisation in order to serve its interests or for altruistic reasons. The self-interested reasons can have its origins in materialist considerations, that is to say strengthening the EU's power (democracy in foreign countries may strengthen its economic power or its power over resources), or in idealist considerations (democratisation may build EU's identity as a global actor). Altruistic reasons for democratisation are more based on European experience, that is to say the belief that democracy will provide peace, economic development and prosperity (Smith, 2014, p. 70). It remains difficult to assess whether the EU pursues altruistic or self-interested reasons because on the one hand, democracy is the best or the most desirable form of regime in Sub-Saharan Africa but it is also the common regime in the EU. The work of Del Bondio reveals that the EU undertakes democracy support not only for self-interested reasons but also seeks to respect self-imposed norms (Del Biondo, 2012, p. 273). Others describe the goals of the EU as “milieu goals”, which aim to improve the environment in which the state, or here the EU, operates. On the contrary, “possession goals” aim to further European direct interests. (Smith, 2014, p. 6). It can therefore be supposed that the EU seeks to implant in other countries the environment it lives in, that is, democracy. But it is false to think that the EU intervenes only on its behalf.

However, the African leaders are reluctant to mimic the European experience, i.e. achieving more integration by transmitting competence and sovereignty to a supranational organisation. The instruments and processes used by the AU to turn from the OAU, a purely intergovernmental institution, into the AU, are completely different from those of the EU because both African leaders and the public do not share the same will as the European for a political union (Fioramonti, 2009, p. 7).

In addition, the biological metaphor of “planted democracy”, “replica”, “mimic” or “transplant of democracy” can certainly be used but it must be acknowledged that, like in biology, the environment in which the democracy is implanted is different and therefore calls for an adapted response. An effective democracy promotion would truly be led only by recognising the fact that external already democratised countries like those in the EU are different from targeted country in Sub-Saharan Africa



(Hobson & Kurki, 2012, p. 34). Therefore, the following part studies the history between Sub-Saharan Africa and the EU regarding democracy.

### **3 PERFORMANCE OF THE SUPPORT TO DEMOCRACY BY THE EU IN SUB-SAHARAN AFRICA**

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In practice, actions in favour of democracy led by the EU may have an ambiguous image because populations may think that democracy promotion is superficial and install a pure institutional change instead of a real democratic culture is widely spread. This image can however be challenged since the EU does not focus just on elections but also on more substantive reforms (Hobson & Kurki, 2012, pp. 106-107). Thus, this part will analyse the performance of the EU to support electoral democracy but also democratic culture and the conditions which can lead to democracy. It will analyse the results in three particular cases invoked first, Senegal, Mali and Guinea.

#### **3.1 RESULTS IN FOSTERING ELECTORAL DEMOCRACY**

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An “electoral” democracy is a democracy where the participation of the people to the decision-making through the elections of representatives in free and fair elections is considered a sufficient condition for democracy. EU’s general actions in the field of support to elections will be first presented before studying specifically Senegal, Mali and Guinea. They are at a different point in succeeding to implement a functioning democracy.

##### **3.1.1 SUPPORT TO ELECTIONS**

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The support to elections by the EU takes place through two actions, electoral assistance and election observation.

###### **3.1.1.1 ELECTORAL ASSISTANCE**

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Electoral assistance takes the form of a technical or material assistance given to the electoral process. Professional may be given to establish a legal framework for the elections, voting material and equipment may be provided as well as help in the registration of political parties and the registration of voters. On a longer term, electoral assistance can also mean training local observers, supporting the media monitoring and training journalists (European Commission, 2018).

###### **3.1.1.2 ELECTION OBSERVATION**

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The EU assists in the election process also by sending election observation missions (EOM) for presidential elections only. An agreement has been made with the OSCE to send these missions in other countries as the Member States of the OSCE. That includes Sub-Saharan Africa in the area of competence of the EOM. The EOMs are funded by the European Instrument for Democracy and Human Rights (EIDHR). The chief observer is always a Member of the European Parliament.

The EU realised that there was sometimes a lack of follow-up in EOMs. Problems indeed occurred after the elections in Kenya in 2007, in Côte d’Ivoire in 2011 or in Zimbabwe in 2018. So the EU shifted to an approach that focused on the entire electoral cycle. In an EOM’s final report, a list of recommendations on what needs to be improved to raise the quality of future elections is made. And Follow-up missions are deployed to assess progress on EOM’s recommendations. This assessment

determines if a subsequent EOM should be organised. EOM are in charge of observing in particular the way the electoral lists are made, the freedom to candidate, the proceedings of the vote, the litigation after the elections and the place of each candidate in the media.

Critics do not fail to arise nonetheless: EOMs systematically highlight the shortcomings and make recommendations but they may not be critical enough. This suggests that EOM leaders are ready to accept low standards on elections which can be counter-productive for the democratisation process (Zamfir, 2017, pp. 9-11).

### 3.1.2 STUDY CASES

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#### 3.1.2.1 SENEGAL

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In Senegal, the presidential election occurred in March 2012 in a two round election and brought Macky Sall to the presidency. But the political context was tense because of the participation of the former president Abdoulaye Wade who had already held the position for two mandates although he himself proposed to limit the number of mandates to two in a constitutional revision in 2001. First, the Minister of the Interior had forbidden manifestations from the opposition the day before the decision of the Constitutional Court to decide whether Wade could participate as a candidate for the presidential. It was however lifted after an informal mediation of French and EU diplomats of the delegations took place. After the decision of the Constitutional Court to allow Wade to participate, manifestations occurred, causing the death of at least six persons, several wounded and a series of arrests. The first round campaign also has had its share of violence with at least two deaths.

The EOM notes an abuse of use of public goods by the two candidates. The former President used the means of the states to support its campaign for instance through the use of a helicopter and cars belonging to the state and the recourse to public buildings to hold his meetings. In rural zones, the statute of the chiefs of village has been improved through granting a service car during the electoral period. Concerning Macky Sall, mayors of his coalition (RFC) and the personnel of the city halls were involved in the campaign.

Bribery has also been observed in the rural community of Touba Mosquée by the PDS (Wade's party) during the period of electoral silence and on the day of the voting. In presence of the Minister of the Interior, militants distributed money to citizens.

Nevertheless, the number of national and international observers has never been so great (around 6.450) despite the absence of legal framework for electoral observation. This shows willing of the electoral authorities to include the national and international observers at all level of the electoral process.

#### 3.1.2.2 MALI

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The election of the President of Mali took place in 2013 in a context of democratic transition after a coup d'état on the 22<sup>nd</sup> March 2012 which interrupted the ongoing democratic cycle in place since

1992. The rapid demand for a return of democracy was supported by the international community through different actions like the AFISMA by the AU followed by the MINUSMA by the United Nations.

The presidential election permitted to normalise the relations of Mali with the international community and represents a crucial stage of the peace process following the Ouagadougou Agreement signed on the 18<sup>th</sup> June 2013. The electoral context itself is characterised by the predominance of traditional political forces such as the ADEMA-PASJ (Alliance pour la démocratie au Mali-Parti africain pour solidarité et la justice, Alliance for democracy in Mali - African Party for solidarity and justice), the URD (Union pour la République et la démocratie, Union for the Republic and Democracy) and the RPM (Rassemblement pour le Mali, rally for Mali), despite the creation of a large number of new parties after the coup. The participation rate is up to 48.98%, a rate never reached during the Third Republic. This shows the will of Malian citizens to participate in the exit of the crisis. Ibrahim Boubacar Keïta won the elections with 77.6% of votes.

Before the elections, voting material was provided. The post-coup d'état context calls for a supplementary help from the international actors. Therefore, the French force Serval sent to Mali as well as the MINUSMA were required to bring the voting equipment in the three Northern regions occupied by rebels from the CMA (Coordination of Azawad Movement) and Islamist groups during six months. Collaboration is also present with the AU, the only international organisation that deployed an observation mission. But other organisations were present for a shorter duration: the International Organisation for Francophonie (OIF), the ECOWAS, the Economic and Monetary Union of Western Africa and the International Republican Institute (IRI).

The three structures in charge of the electoral process (the Ministry of Territorial Administration MATDAT, the National Independent Electoral Commission CENI and the General Direction on Elections DGE) were perceived as neutral, professional and competent by the political parties and the civil society.

Actions to allow people to vote were undertaken, particularly for refugees in other countries (Niger, Burkina Faso and Mauritania). These refugees could participate to the presidential elections, although in a lesser amount than on the Malian territory. So, the organisation of the elections for refugees was held by the MATDAT through agreements with the three concerned states, Niger Burkina Faso and Mauritania, with the help of the UNHCR and the international organisation for immigration (IOM). But the late signature of these agreements led to delay in procedures to allow the refugees to vote. In addition, the refugees who did not want their status to be registered were not registered in the file for the Election Day.

But, according to the report of the EOM in Mali in 2013, several dispositions of the organic law of the Constitutional Court of 2002 are obsolete due to the entry into force of the electoral law of 2006. Notably, the litigation and the distinction between the dispositions of the presidential elections and of the legislative elections are unclear. The absence of a more detailed legal framework weakens the juridical security. Moreover, there is only one week between the two rounds of the presidential elections which is really short: the campaign between the two votes only lasted for two days.

### 3.1.2.3 GUINEA

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In Guinea, the presidential elections of 2015 are the second since the coup d'état that happened in 2008 which suspended the political dialogue with the EU. This scrutiny happened in a context of consolidation of the democratic cycle. There were however persisting tensions in the politics between the president and its militants and the opposition since the presidential elections of 2010 and the legislative elections of 2013. These tensions led to the suspension of the political dialogue with the EU in 2014 because the two parties could not agree on the election processes of July 2014. On the 20<sup>th</sup> March 2015, the signature of the inter-Guinean Agreement resumed a fragile political dialogue. This fragility is expressed through the permanent threat of boycott of the elections from the opposition forces until the day before the scrutiny. Alpha Condé, the former president won the elections in the first round with 57.84% of votes.

The EU, the ECOWAS, the AU, the OIF as well as ambassadors from the United States and Japan assisted in the observation of the elections.

Although the legal framework did correspond to the international and regional obligations the Guinea had subscribed to, like the fact that the opposition was able to express in the media, there were still insufficiencies despite the recommendations of the previous EOM. This concerned notably the right to take part as a candidate for the presidency (the independent candidatures were forbidden), the financing of political parties and of electoral campaigns or the electoral litigation (the absence of juridical obligation to publish results by polling station). The independency of the National Commission in charge of the organisation of the elections (CENI) was also questioned.

Moreover, the counting of the ballots and of the spoiled ballots varies greatly depending on the region. In the region of Kankan, the electoral stronghold of Condé, the participation was greater as in average and there was less spoiled ballots as in other regions. But what is more troubling is the progression of the electoral body in this region: only one third of the augmentation was due to the natural growth of the population, questioning the modalities of the registering of electors. The region of Kankan registered an augmentation rate of 26.6%, modifying greatly the electoral balance. To summarise, the presidential elections lacked trust for the citizens.

In addition, the elections were tarnished by violence, causing the death of at least thirteen persons and a hundred of wounded.

### 3.1.3 CONCLUSION

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The resilience of a democracy can be evaluated with the help of the “two-turnover” test of Huntington: a democratically elected government must relinquish office without fuss after free and fair elections (Burnell & Calvert, 1999, p. 18). In Senegal and Mali before the coup, the turnover seemed to work although the presidential elections are often tarnished by violence, abuse from the candidates and the lack of juridical safety of the law causing a mistrust of the citizens which lead to manifestations. In Guinea however, the turnover does not seem to work considering that boycott remains a constant threat to elections and the formation of the electoral body is greatly questioned.

Nonetheless, the organisation of elections - even flawed elections - is still effective for democratisation. Repeated elections develop positive impact on human freedom and democratic values, but the quality of the elections help build people's trust in democracy. But, according to an Afrobarometer survey, "African countries with high quality elections are more likely to register increase in popular demand for democracy" (Zamfir, 2017, pp. 9-11).

The question remains to know if the EU is effective in implementing democratisation in Sub-Saharan Africa. At first, it seems rather ineffective since the EOM observers point out the lack of compliance with the recommendations of former EOMs like in Guinea. Moreover, double-standard in EU's reaction to violation of electoral democracy has been observed. In only some cases, the EOM conclusions which criticised elections led to the adoption of sanctions. In Nigeria, Rwanda and Ethiopia, no negative measures were adopted whereas in Guinea and Niger, disapproval was expressed by the European Parliament, consultation in accordance with the article 96 of the Cotonou Agreement began, and aid was partially suspended for example. (Del Biondo, 2012, p. 94)

However, the EOM of the EU help spread a climate of trust and a good image of the elections. If we take a broader scope, the elections in Cambodia in 2018 were not supported by the EU because of the imprisonment of opponents. Moreover, the EU "helps a country to help itself" by fostering a democratic culture through projects funded by the EU.

## **3.2 RESULTS IN FOSTERING A DEMOCRATIC CULTURE**

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The democratic culture can be defined as the necessity to involve all parts of the civil society in the policy process. This is even more important in Sub-Saharan Africa considering that the accountability of the politicians is not institutionalised but actually practised by the civil society or through popular demonstrations (Guèye, 2009, p. 17). In fact, in Western Africa, 51% of the population perceive democracy but only 42% have the feeling to really benefit from democracy. The offer for democracy by governments and rulers are not aligned to the demand. Therefore, countries in the region tend to be weakened and are susceptible to know mobilisation from the bottom. (Bratton & Houessou, 2014, p. 18). Therefore, the EU tries to mobilise the civil society to help Sub-Saharan African countries reach democracy. That is why In a report of the European Parliament on the strategy the EU must adopt concerning Africa, the European Parliament expressed its regrets that the Annual Joint Forum in charge of the roadmap between Africa and EU was never summoned although it is a place where civil society may participate. It acknowledged the indispensability of the participation of civil society to render public authorities accountable (Pongo, 2017, p. 9).

### **3.2.1 THE MEANS OF THE EU**

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After acknowledging that the definition of civil society varies depending on the Member States, the civil society is defined in the Cotonou Agreement in the Declaration I as organisations of defence of human rights, feminine associations, youth associations, associations for the protection of childhood, consumers associations, religious organisations and structures which support development like NGOs or research and teaching establishments.

As seen in the Cotonou Agreement, aid is conditioned by the respect of democratic principles. But democratisation is also a goal in itself. The EU has thus rendered funds available through projects, grants and contracts and through budget support directly to third countries. This money is situated in the European Development Fund (EDF) and the European Instrument for Democracy and Human Rights (EIDHR). The EDF is funded directly by Member State's contributions, and is thus not counted in the EU budget. For the period 2014-2020, it has been endowed with over 30 billion euros (Zamfir, 2017, p. 7). Concerning the EIDHR, it focuses primarily on the protection of human rights and only into a lesser extent on democratisation.

These funds are available for organisations such as NGOs or CSOs (Civil Society Organisations). The EU assumes that through these types of support, democracy will flourish. In other words, it believes in the snow-ball effect, i.e. small steps in democratisation can bring a meaningful change in the essence of a political regime (Youngs & Pishchikova, 2013, p. 5).

Although a large amount of scholars believed that there was no civil society in Africa, they modified their analysis. In fact, the civil society has been quite active in the 1990's in Sub-Saharan Africa to claim for a democratic change on the contrary of Latin America for instance where democracy was demanded by the elites (Gazibo & Moumouni, 2017, p. 94). In Senegal, Ghana, Benin and Botswana, the civil society is well developed and the state is thus more peaceful (Gazibo & Moumouni, 2017, p. 97). The participation of civil society questions the monopoly of political parties since actors of the civil society run for the office of President like in Mali in 2002 or in Benin in 2006 (Guèye, 2009, p. 9). The awakening of populations is also expressed by demonstrations or strike. The movement "Y en a marre" ("We are fed up with it") in Senegal in 2011 is the beginning of citizen movements that became actors of the political sphere in Sub-Saharan Africa. We can also mention "ça suffit comme ça" (« Enough is enough ») in Gabon or "Sauvons le Congo" ("Save Congo") in Congo but also in Democratic Republic of Congo, Burkina Faso or Chad. These led to victories of the civil society like the failure of Abdoulaye Wade in Senegal to access to presidency for a third mandate or the eviction of Blaise Compaoré in Burkina Faso in 2014 (Jacquemot, 2016, pp. 74-75). Thus civil society is a strong potential for helping the democratisation of the countries.

### 3.2.2 STUDY CASES

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The three study cases show that the EU supports the participation of civil society. But although there is a common framework to the implementation of actions by the EU (consolidating the rule of law, equal justice for all), it seems that the objectives are tailored to the situation of each country.

#### 3.2.2.1 SENEGAL

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The EOM observers remarked a very active civil society during the presidential elections that have awoken due to the will of the former President Wade to run for the presidency for a third time.

Civil society is supported by funds from the EDF to an amount of 20 million euros detailed in the National Indicative Programme. The first of the three objectives is to strengthen democratic

governance. Specifically, it aims for the improvement of the access to justice in an independent, efficient, transparent and non –discriminatory way, but also for the transparency and integrity of public affairs management. In addition, 5.5 million Euros have been allocated to support specifically civil society in accordance with the Annex IV of the Cotonou Agreement. For instance between September 2015 and March 2017, the EU gave around 400.000 euros to the National Office for the fight against fraud and corruption in Senegal. It however pointed out that “all investment for the improvement of the management of public finances may generate important financial resources for the development of Senegal” (Appui à la lutte contre la corruption au Sénégal, 2018). So, the aim is rarely the strengthening of democracy.

### **3.2.2.2 MALI**

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In Mali, during the security crisis due to the rebellion of the CMA which sided with Islamist groups, public debate has been held by the civil society.

The EU has for instance supported the reform of the family code which aimed for the promotion of women rights and gender equality. However, this reform encountered controversies and oppositions from the major Islamic organisations and was therefore revised. This revision was seen as a step back by feminine associations (Gazibo & Moumouni, 2017, pp. 57-78).

As for the state itself, the consolidation of the rule of law and reforms of the state are the first objective of the National Indicative Programme for which 280 million euros were allocated.

### **3.2.2.3 GUINEA**

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The main sector supported by the 11<sup>th</sup> EDF National Indicative Programme is the strengthening of the rule of law and the promotion of an effective administration. More specifically, the goal is to help build a decentralised administration but also to grant access to justice for all and to establish a democratic culture through civic education and the participation of the civil society in the policy making.

In addition, Guinea beneficiates from the PASOC programme (Programme d’appui à la société civile, Civil society support programme). It aims to strengthen the role of civil society in Guinea by helping Guinean civil society organisations build a network and lobby. It focuses more on the organisations themselves than on the actions undertaken by these organisations (PASOC, 2018).

### **3.2.3 CONCLUSION**

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Funding NGOs or CSOs rests upon a new wave of public policies studies called “random evaluations”. The principle of this concept is that progress at a micro-level will pile up to achieve the goal of a public policy (democratisation or fight against poverty and under-development). And it is believed to be more effective than a global approach. The problem is that it rests upon results found through collaboration with NGOs which can render the extrapolation excessive. (Gazibo & Moumouni, 2017, pp. 167-180). The necessity of engaging with local populations is nowadays admitted to foster democracy and the existence of several models of democracy as well, but NGOs of liberal values are



more susceptible to receive funds (Hobson & Kurki, 2012, p. 199). In a same way, donors tend to fund what they already know at home. For example, there is an uncertainty whether to fund customary justice (Hobson & Kurki, 2012, p. 109).

In addition, the problem of funding NGOs can appear difficult at a more practical level. First, the EU bureaucracy is not always adapted to fast-moving situations because it is dependent on call for tenders and call for proposals defined at the beginning of a funding period. Thus the EU becomes more reactive than proactive. Then, funding NGOs can be in itself difficult considering that authoritarian regimes do not allow NGOs to be on the ground anyway or they can be shut down, harassed or expelled from the soil of the country they are trying to democratise. The EU however tries to adapt to the situation by giving aid to NGOs outside their country (Smith, 2014, p. 134).

The issue of the influence of donors on CSOs must also be questioned. Some donors in Ghana attempted to influence a government's economic policy *via* its civil society which can be against the political sovereignty of the government and put their sovereignty on the hand of actors that do not have the same legitimacy (Hobson & Kurki, 2012, pp. 131-149).

After the Cold War, international actors tend to mix foreign policy objectives to democratise a region or a country because of the belief in a link between these objectives and democratisation. These objectives are peace, good governance, economic assistance and security. But donors have realised that for all these objectives to match, favourable conditions for democracy must also be supported (Grimm & Leininger, 2012, p. 392).

### 3.3 RESULTS IN FOSTERING THE CONDITIONS FOR DEMOCRACY

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The EU Global Strategy for Foreign and Security Policy published by the EEAS in June 2016 states that resilience is the key to ensure stability of a region. In other words, to avoid future crisis, building democratic institutions is fundamental. The EU defends the point of view that democracy is worthwhile not only in itself but also in relation to broader security and humanitarian concerns (Zamfir, 2017, p. 4). Democracy building is mainstreamed in the foreign policy goals. For instance, the Agenda for Change adopted in 2011 aims to reduce poverty but mentions the necessity to put the emphasis on human rights, democracy and good governance, notably because of the changes in North Africa and the Middle East due to the Arab Spring. The conditions to foster democracy are thus taken into account although democracy is not necessarily the first goal pursued.

#### 3.3.1 THE ACTIONS OF THE EU

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The conditions of democracy can be economic development and security leading to peace. These actions are mainly supported by the Emergency Trust Fund for Africa (EUTF). The EUTF is a mechanism created in 2015 to tackle the issue of migration by directly focusing on the causes of migration. The objectives of the funds are indeed to fight against causes of migration but these causes (peace and development) may help build democracy. The EUTF is composed of four points which include a focus area on improving governance and preventing conflicts and another on

economic and employment opportunities. It is implemented in African countries which encompass the major migration routes to Europe, differentiated in three regions: the Sahel region and Lake Chad region (Senegal, Burkina Faso, Cameroun, Chad, Ivory Coast, the Gambia, Ghana, Guinea, Mali, Mauritania, Niger and Nigeria), the Horn of Africa and North Africa. The EUTF has over 3.3 billion euros of funding (88 % from the EU, 12 % from EU Member States and other donors) (Bernardini, 2018). The Sahel and Lake Chad region benefits from the greatest amount of funds, receiving 53 % of the commitments (1.46 billion euros and eighty-five projects, 26% is allocated to improved governance and conflict prevention and 34% is allocated to economic and employment opportunities).

### 3.3.1.1 DEVELOPMENT

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The thought of economic development leading to democracy was first theorised by Lipset in 1960. However, the argumentation is inverted in a report of the World Bank of 1989 which claims that democracy is the prerequisite of development: in this report, the Sub-Saharan economic crisis of the 1980's is caused by bad governance, and the observation that best economic performances are in democracies (in Botswana and Mauritius) indicates that good governance and democracy are precondition to development. In the early 1990's, the OECD issued a paper saying that development is a necessary requisite for democracy. The position was then adopted by the EU in October 1991 by the Development Council which clearly linked democracy, human rights and development (Smith, 2014, pp. 128-131). For some leaders in Africa (Rwanda, Ethiopia or Uganda), democracy is the result and not the condition to development. Democracy becomes efficient after reaching a certain level of BIP. On the contrary, for elites in Ghana or Senegal, democracy is perceived as a condition to development because it permits to stabilise and therefore predict the political situation (Jacquemot, 2016, p. 78).

Although the defining which is the consequence and which is the cause appears difficult, economic development and democracy remain a goal for Sub-Saharan African populations. But development and democracy may be distinct. Studies have shown that the popular demand for democracy and its attachment to it does not need an economic miracle but rather political conditions like good governance and accountability is often sufficient (Mattes & Bratton, 2016). However, the EU stays on the position that these two goals are complementary. The paragraph 5 of the preamble of the Cotonou Agreement states that there is a clear link between democracy and development although it seems that democracy is more a condition of development than the other way around. The parties "[acknowledge] that a political environment guaranteeing peace, security and stability, respect for human rights, democratic principles and the rule of law, and good governance is part and parcel of long term development". Therefore, the EU tries to achieve different foreign policy goals in the same time, namely economic development and democratisation, which can lead to inconsistencies sometimes. For instance, the EU promotes horizontal accountability, that is to say the effective separation of powers by the independency of the judiciary. Yet, in the same time, the EU may target the development of business by promoting economic rights and liberalisation. These go against the independency of the judiciary of the targeted country because it has to adapt its judgements to the principle of a market-based economy (Orbie & Wetzel, 2012).

### 3.3.1.2 SECURITY

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The title 3 of the Cotonou Agreement puts the emphasis on continental and regional integration as well as on security. The Article 11 paragraph 2 states that the consolidation of peace leads to the strengthening of democratic legitimacy and to the effectiveness of governance. The article 11A consists in a clause on terrorism which was added in the 2005 revision as a response to war on terror (Del Biondo, 2012, p. 211). The EU mentions no link in its paper between security and democratisation despite the missions in the Democratic Republic of Congo or in Rwanda (Orbie & Wetzel, 2012). In the preamble of the Single European Act of 1987, one of the goals is to “display the principles of democratic and compliance with the law and with human rights to which they are attached”. A specific goal was also expressed, the “preservation of international peace and security”.

The civilian and military missions sent by the EU to ensure peace and settle a conflict are usually short and small in size. Thus, it is unlikely that these actions would have an impact on democratisation. This shows that the EU has no willingness to impose democracy on a country by force through military missions (Smith, 2014, p. 141). The EU has however for a long time developed an approach to foreign policy based primarily on civilian means and structural stabilization processes, mainly due to its structural difficulty in reaching consensus on the use of military power. This approach seems to find broad acceptance at the AU level. The Africa-EU strategic partnership adopted in December 2007 presents a shared view of peacebuilding and embodies the idea of supporting peace through long-term development and democratization policies (Fioramonti, 2009, pp. 6-7).

### 3.3.2 STUDY CASES

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The study cases of Senegal, Mali and Guinea present the common accent put on security and peacekeeping as well as on development. It is however rarely linked to democracy although it can be interpreted as common actions for a same objective, namely the entry into development.

#### 3.3.2.1 SENEGAL

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Senegal is a main beneficiary of the EUTF for the Sahel and Lake Chad region with 161.8 million euros distributed across nine projects (Bernardini, 2018). For instance, the EU funded a programme to support the strengthening of the information system of the civil service certificates and the creation of a biometric national identity file.

In parallel, other actions encouraging peace are implemented with the EDF. The low-intensity conflict in the region of Casamance which started forty years ago in the South of Senegal is a specific area of concern for the EU since it may destabilise the region. This is why the National Indicative Programme funded by the EDF has a specific objective: the reduction and the prevention of internal and external factors of destabilisation of the state. This issue should be tackled by putting the emphasis on a credible electoral process and on the capacity building of the management of borders. It is interesting to see that main donors, putting aside the EU, are France and Spain. Both are particularly affected by immigration from Senegal, one having strong historical links with Senegal and one being

the country of arrival of migrants. The number of irregular Senegalese migrants crossing the sea to reach the EU has been steadily increasing until 2016 but Senegalese arrivals declined dramatically in 2017. The decrease is seen as a very positive result of the cooperation between the EU and Senegal on migration.

### **3.3.2.2 MALI**

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Mali and the Sahel region in general (which includes Mauritania, Mali and Niger) are beset by international terrorism (Al-Qaida in Islamic Maghreb) and extreme poverty. The frailty of public authorities influences their capacity to respond to underdevelopment and security issues.

The EUTF funds programmes for the building of peace and security in Northern Mali as well as it enhances the capacity of the state. For instance, it funds a programme to support the functioning of the civil status data.

In parallel, the EU has also launched the EUCAP Sahel Mali civilian mission on 15 January 2015 at the invitation of the Malian government. The goal of the mission is to help the Malian government implementing its security reforms and training one third of all officers in the gendarmerie, the National Guard and the police. The members of the mission work in coordination with the Malian civil society to ensure that reforms are understood by the public. Actions are also taken in Mali by the EUTM mission who provides support to the Malian armed forces and by the European Union Delegation and the MINUSMA (EEAS, 2015).

The question of development is also examined through projects funded by the EDF to ensure food and water safety and provide basic public goods and services to the population (for instance, the completion of the main north-south road).

### **3.3.2.3 GUINEA**

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Apart from good governance and the rule of law, the National Indicative Programme tackles issues like food safety, reform of the health system to address the control of epidemics and the stabilisation of fast-growing cities.

Guinea is eligible for the EUTF since 2017, which means that projects to provide economic opportunities will be implemented (European Commission, 2017). The Guinea beneficiaries from a first programme of 65 million euros which tackles the issue of the socio-economic integration of the youth.

### **3.3.3 CONCLUSION**

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The EU seeks to stabilise the Sahel region by fostering economic development and enhancing security. The economic interest for Sub-Saharan African countries remains rather small for the EU although some Member States have economic relations with these countries in order to have access to raw materials and energy resources (Del Biondo, 2012, p. 197). So we could assume that democratisation *via* economic development and security is a goal pursued for altruistic reasons.

Nonetheless, the main issue that the EU seems to tackle recently in its foreign policy for Sub-Saharan Africa is immigration by promoting economic development and security.

The actions of the EU which can permit to foster democracy are somehow diverse. The EU intervenes at all level, from the elections to the conditions of existence of democracy, i.e. the promotion of civil society, economic development or security.

## CONCLUSION

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The legitimacy of the EU democracy promotion in Sub-Saharan Africa is complex to assess. First, from a legal point of view, the EU intervenes in cooperation with the AU, the UN and other economic communities to help build or enhance the capacity of democracies in Sub-Saharan Africa. In terms of intrinsic legitimacy, the model provided by the EU could be criticised because of the unfair relationship that has dominated throughout history and because of the alleged lack of democracy it suffers from at home. But, as shown by the performance of democracy support by the EU, its actions seem accepted and even asked by the target country. And indeed, the EU and its programmes are considered as active and effective but not visible (Barcevicius, et al., 2015, p. 175).

The democratisation of Africa may constitute an objective for the EU since it may limit the migration flows from Sub-Saharan Africa to Europe and help fight terrorism, two of the main political subject nowadays. These are however issues that are not only confined to the Sub-Saharan African countries but may develop in other parts of the world or in Europe. Democracy may be a political organisation of society which is always endangered and therefore, a democracy support in both Europe and the world would help strengthen democracy and the legitimacy of Europe to intervene.

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